

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cr145**

UNITED STATES OF AMERICA,)	
)	
)	
Vs.)	ORDER
)	
JERRY DEMARIO GUESS,)	
)	
)	
Defendant.)	
)	

THIS MATTER is before the court regarding defendant's pro se letter to the court in which defendant asks the court for a de novo detention hearing and for a continuance of his scheduled plea hearing. The court will treat defendant's letter as a motion. Review of the docket reveals that defendant is represented by counsel in this matter. The Local Criminal Rules provide for disposition of this motion:

(H) Pro Se Motions Filed By Criminal Defendants Who Have Not Waived Their Right To Counsel. Except for challenges to the effective assistance of counsel, the Court will not ordinarily entertain a motion filed by a criminal defendant who is still represented by counsel and has not formally waived his or her right to counsel in the presence of a judicial officer after being fully advised of the consequences of waiver. Exceptions to this general rule may be made in the discretion of the judicial officer considering the pro se motion.

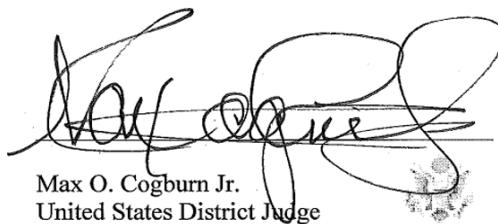
L.Cr.R. 47.1(H). The court will decline to exercise its discretion to consider the merits of such *pro se* motion as defendant makes no claim concerning proper representation. The court further notes that, as to defendant's request for a continuance of his plea hearing, the court entered an order dated September 2, 2011, on defendant's motion through counsel for

a continuance of the plea hearing. Having considered defendant's *pro se* motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's pro se motion (#24) is DENIED as non-justiciable.

Signed: September 13, 2011



Max O. Cogburn Jr.
United States District Judge